



DE

PTO/SB/92 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No.: 10/027,450

Attorney Docket No.:BB1126USDIV (7560\*30)

## Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

on 6/18/03  
Date

  
Signature

Mark E. Freeman

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Information Disclosure Statement (2 pages)  
Form 1449 (2 pages)  
Form 892 (1 page)  
Return postcard

**Match & Return**



Docket No.: BB1126 USDIV (7560\*30)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Saverio Carl Falco et al.

Application No.: 10/027,450

Group Art Unit: 1652

Filing Date: December 20, 2001

Examiner: Dr. Tekchand Saidha

For: PLANT BRANCHED-CHAIN AMINO ACID  
BIOSYNTHETIC ENZYMES

Conf. No. 1501

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants thank the Examiner for discussing the instant matter by telephone today, June 18, 2003, and for suggesting a solution. In this regard and pursuant to 37 CFR § 1.56, the following information is brought to the attention of the Examiner.

In reference to Paper 7C, Notice of Allowability, on page 4, paragraph 8, of the above-identified application, and per the Examiner's telephonic instructions on June 18, 2003, submitted herewith are clean copies of Forms PTO-1449 and PTO-892 originally filed in the present divisional application on December 20, 2001. The copies filed with the present application on that date inadvertently consisted of previously submitted, signed and initialed copies of the Information Disclosure Statements from parent U.S. Patent Application No. 09/173,300.

Applicants request that the cited references be considered by the Examiner as to the merits and that the Examiner kindly return to the Applicant's representative signed and initialed copies of the forms submitted herewith. No new information has been added to the clean copies, and the present Examiner previously considered these identical references in the parent application. Since benefit of the earlier filing date of



Application No.: 10/027,450

Docket No.: BB1126 USDIV (7560\*30)

U.S. Patent Application No. 09/173,300, filed October 15, 1998, is claimed under 35 U.S.C. 120 for the above-referenced application, and pursuant to 37 CFR § 1.98(d), copies of references previously provided with an Information Disclosure Statement in that earlier application are not provided herewith.

In accordance with 37 CFR § 1.97(h), the filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists.

Because these same references were disclosed in an Information Disclosure Statement that was filed within three months of the filing date of a national application, within three months of date of entry of the national stage, before the mailing of a first Office action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination, no fee is believed due. If any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge such fees or credit any overpayment to Deposit Account No. 03-2775.

Respectfully submitted,  
Connolly Bove Lodge & Hutz LLP

Mark E. Freeman

Registration No. 48,143  
P.O. Box 2207  
Wilmington, DE 19899-2207  
(302) 888-6209  
(302) 658-5614 (Fax)  
Attorney for Applicants

269055

JUN 20 2003

Sheet 1 of 1

Form PTO-749 (Reproduced)	Docket Number (Optional) <b>BB-1126 US DIV</b>	Application Number <b>10/027,450</b> <b>09/173,300</b>
<b>INFORMATION DISCLOSURE CITATION</b> <b>IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		
Applicant <b>SAVERIO CARL FALCO</b>		Filing Date <b>12/20/01</b> <b>OCTOBER 15, 1998</b>
Group Art Unit <b>1643 1652</b>		

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

**FOREIGN PATENT DOCUMENTS**

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO

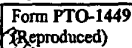
**OTHER DOCUMENTS** *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	NCBI General Identifier No. 400054
	NCBI General Identifier No. 1170543
	NCBI General Identifier No. 1176947
	NCBI General Identifier No. 1708468
	NCBI General Identifier No. 3122287
	NCBI General Identifier No. 124380
	NCBI General Identifier No. 3219823
	NCBI General Identifier No. 3122347
	NCBI General Identifier No. 3122345
	NCBI General Identifier No. 400187
	Higgins, D.G. and Sharp, P.M. (1989) Cabrios 5:151-153
	Hein, J.J. (1990) Meth.Enz. 183:626-645
	Selkov et al. (1997) Gene 197:GC11-GC26

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*Same as  
paper # 91  
which has  
been considered  
if same  
7/28/03*



Application Number 10/027,450  
09/173,300

## Docket Number (Optional)

BB-1126 USDIV

Applicant

SAVERIO CARL FALCO

Filing Date 12/20/01

~~OCTOBER 15, 1998~~

Group Art Unit	1652
----------------	------

1643

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION	
						YES	NO
	WO 94/08020	4/14/94	PCT	C12N 15	60		

	Pirring et al, Mechanism and stereochemistry of alfabeta-dihydroxyacid dehydratase, <i>J. Am. Chem. Soc.</i> , <b>113</b> , 1020-1025, 1991
	Kanamori et al, Studies in valine biosynthesis, <i>The Journal of Biological Chemistry</i> , <b>238</b> , No. 3, 998-1005, March 1963
	Flint et al, Dihydroxy acid dehydratase from spinach contains a [2Fe-2S] cluster, <i>The Journal of Biological Chemistry</i> , <b>263</b> , No. 8, 3558-3564, 1988
	Wallsgrave et al, Biochemical characterisation of nicotiana plumbaginifolia auxotrophs that require branched-chain amino acids, <i>Plant Cell Reports</i> , <b>3</b> , 223-226, 1986
	Wallsgrave et al, Biochemical characterisation of an auxotroph of Datura innoxia requiring isoleucine and valine, <i>Plant Science</i> , <b>43</b> , 109-114, 1986
	Mazur et al, Isolation and characterization of plant genes coding for acetolactate synthase, the target enzyme for two classes of herbicides, <i>Plant Physiology</i> , <b>85</b> , 1110-1117, 1987
	Dumas et al, Isolation, characterization and sequence analysis of a full-length cDNA clone encoding acetohydroxy acid reductoisomerase from spinach chloroplasts, <i>The Biochemical Journal</i> , <b>227</b> , No. 2, 469-475, 1991
	Velasco et al, Cloning of the dihydroxydehydratase-encoding gene (ILV3) from Saccaromyces cerevisiae, <i>Gene</i> , <b>137</b> , No. 2, 179-185, 1993
	Godon et al, Branched-chain amino acid biosynthesis genes in Lactococcus lactis subsp. lactis, <i>Journal of Bacteriology</i> , <b>174</b> , No. 20, 6580-6589, 1992
	Lawther et al, The complete nucleotide sequence of the ilvGMEDA operon of Escherichia coli K-12, <i>Nucleic Acid Research</i> , <b>15</b> , No. 5, 2137-2155, 1987

**EXAMINER**

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.